



Rep. Anthony DeLuca

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09600SB1783ham003

LRB096 11147 HLH 27222 a

1 AMENDMENT TO SENATE BILL 1783

2 AMENDMENT NO. _____. Amend Senate Bill 1783, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Municipal Code is amended by
6 adding Section 11-5.4-1 as follows:

7 (65 ILCS 5/11-5.4-1 new)

8 Sec. 11-5.4-1. Criminal activity prohibition in
9 residential leases. The corporate authorities of any
10 municipality may require that any lease entered into for single
11 or multi-family residential property located in the
12 municipality include a provision or an addendum that prohibits
13 criminal activity and provides the landlord the right to
14 terminate the lease for engaging in such activity.

15 For the purposes of this Section, "criminal activity"
16 means, but is not limited to:

1 (i) Disorderly conduct as defined in Section 26-1 of
2 the Criminal Code of 1961.

3 (ii) Unlawful use of weapons as defined in Section 24-1
4 of the Criminal Code of 1961.

5 (iii) Mob action as defined in Section 25-1 of the
6 Criminal Code of 1961.

7 (iv) Aggravated discharge of a firearm as defined in
8 Sections 24-1.2 and 24-1.2-5 of the Criminal Code of 1961.

9 (v) Gambling as defined in Section 28-1 of the Criminal
10 Code of 1961.

11 (vi) Possession, manufacture, or delivery of a
12 controlled substance as defined in Section 401 of the
13 Illinois Controlled Substances Act.

14 (vii) Assault or battery or any related offense as
15 defined in Article 12 of the Criminal Code of 1961.

16 (viii) Criminal sexual abuse or related offenses as
17 defined in Sections 12-15 and 12-16 of the Criminal Code of
18 1961.

19 (ix) Public indecency as defined in Section 11-9 of the
20 Criminal Code of 1961.

21 (x) Prostitution as defined in Section 11-14 of the
22 Criminal Code of 1961.

23 (xi) Criminal damage to property as defined in Section
24 21-1 of the Criminal Code of 1961.

25 (xii) Possession, cultivation, manufacture, or
26 delivery of cannabis as defined in the Cannabis Control

1 Act.

2 (xiii) Illegal consumption or possession of alcohol as
3 defined in the Liquor Control Act of 1934.

4 (xiv) Violation of any municipal ordinance or State of
5 Illinois statute controlling or regulating the sale or use
6 of alcoholic beverages.

7 Section 10. The Code of Civil Procedure is amended by
8 changing Section 9-120 as follows:

9 (735 ILCS 5/9-120)

10 Sec. 9-120. Leased premises used in furtherance of a
11 criminal offense; lease void at option of lessor or assignee.

12 (a) If any lessee or occupant, on one or more occasions,
13 uses or permits the use of leased premises for the commission
14 of any act that would constitute a felony or a Class A
15 misdemeanor under the laws of this State, the lease or rental
16 agreement shall, at the option of the lessor or the lessor's
17 assignee become void, and the owner or lessor shall be entitled
18 to recover possession of the leased premises as against a
19 tenant holding over after the expiration of his or her term.

20 (a-5) In all actions brought under this Section, no
21 predicate notice of termination or demand for possession shall
22 be required to initiate an eviction action. Notice specifying
23 the alleged violations of the lease to be considered by the
24 court shall be delivered to the lessee by sending a copy by

1 certified mail and by posting the notice on the premise.

2 (b) The owner or lessor may bring a forcible entry and
3 detainer action, or, if the State's Attorney of the county in
4 which the real property is located agrees, assign to that
5 State's Attorney the right to bring a forcible entry and
6 detainer action on behalf of the owner or lessor, against the
7 lessee and all occupants of the leased premises. The assignment
8 must be in writing on a form prepared by the State's Attorney
9 of the county in which the real property is located. If the
10 owner or lessor assigns the right to bring a forcible entry and
11 detainer action, the assignment shall be limited to those
12 rights and duties up to and including delivery of the order of
13 eviction to the sheriff for execution. The owner or lessor
14 shall remain liable for the cost of the eviction whether or not
15 the right to bring the forcible entry and detainer action has
16 been assigned.

17 (c) A person does not forfeit any part of his or her
18 security deposit due solely to an eviction under the provisions
19 of this Section, except that a security deposit may be used to
20 pay fees charged by the sheriff for carrying out an eviction.

21 ~~(d) If a lessor or the lessor's assignee voids a lease or~~
22 ~~contract under the provisions of this Section and the tenant or~~
23 ~~occupant has not vacated the premises within 5 days after~~
24 ~~receipt of a written notice to vacate the premises, the lessor~~
25 ~~or lessor's assignee may seek relief under this Article IX.~~
26 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,

1 judgment for costs against a plaintiff seeking possession of
2 the premises under this Section shall not be awarded to the
3 defendant unless the action was brought by the plaintiff in bad
4 faith. An action to possess premises under this Section shall
5 not be deemed to be in bad faith when the plaintiff based his
6 or her cause of action on information provided to him or her by
7 a law enforcement agency or the State's Attorney.

8 (e) After a trial, if the court finds, by a preponderance
9 of the evidence, that the allegations in the complaint have
10 been proven or that a default has been proven in any other term
11 of the lease, the court shall enter judgment for possession of
12 the premises in favor of the plaintiff and the court shall
13 order that the plaintiff shall be entitled to re-enter the
14 premises immediately.

15 (f) A judgment for possession of the premises entered in an
16 action brought by a lessor or lessor's assignee, if the action
17 was brought as a result of a lessor or lessor's assignee
18 declaring a lease void pursuant to this Section, may not be
19 stayed for any period in excess of 7 days by the court unless
20 all parties agree to a longer period. Thereafter the plaintiff
21 shall be entitled to re-enter the premises immediately. The
22 sheriff or other lawfully deputized officers shall execute an
23 order entered pursuant to this Section within 7 days of its
24 entry, or within 7 days of the expiration of a stay of
25 judgment, if one is entered.

26 (g) Nothing in this Section shall limit the rights of an

1 owner or lessor to bring a forcible entry and detainer action
2 on the basis of other applicable law.

3 (Source: P.A. 90-360, eff. 1-1-98.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".